

Application No.: 09/851923

Docket No.: SMQ-117/P6141

**REMARKS**

Claims 1-58 are pending. No claims have been added or deleted. No new matter has been added.

**Specification Objections**

The objections to the specification noted by the Examiner have been corrected as set forth above.

**Claim Objections**

The informality issues identified by the Examiner in claims 15, 31, 33 and 51 have been addressed by the amendments set forth above.

**Claim Rejections pursuant to 35 U.S.C. §112**

The antecedent basis issues identified by the Examiner in claims 9, 13, 27, 31, 45, 49 and 58 been addressed by the amendments set forth above.

**Provisional Double Patenting Rejection**

The Examiner provisionally rejected claims 1-58 under the judicially created doctrine obviousness-type double patenting as being unpatentable over claims 1-52 of co-pending Application No. 09/852,113. Applicant has executed a terminal disclaimer in compliance with 37 C.F.R. 3.73(b).

**Claim Rejections pursuant to 35 U.S.C. §102**

Claims 1-58 were rejected under 35 U.S.C. 102(b) as being anticipated by Bartoletti et al., "Secure Software Distribution System", 1997 (hereafter "Bartoletti"). For the reasons set forth below, applicants respectfully traverse these rejections.

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Summary of Claimed Invention

The claimed invention applies a patch to a computer system. The patch includes content to add to the computer. A computer object is generated which includes configuration information on determined installed components present on the computer. The patches are capable of being associated with a realization that defines a state of the computer system. The computer object is checked by a realization detector downloaded to the computer system to determine whether a state defined by the realization exists in the computer system. Data is written to the computer object indicating whether the state defined by the realization exists on the computer. The computer object is used to determine whether each patch is compatible with the installed components of the computer.

Summary of Bartoletti

Bartoletti describes a system for providing automated analysis, notification, distribution, and installation of security patches and related software to network-based computer systems in a vendor independent manner. The system compares target system objects with objects from a patch to determine what is actually installed and what needs to be installed. A server collects patches and stores them in a patch specification database for each patch revision. An agent is stored on each target system. The server sends instructions to the target agents to evaluate the systems prior to installing a patch. The target agent reports back system configuration information including the files stored on the target system. The server is responsible for evaluating target systems and installing patches on these systems.

Argument

Bartoletti fails to disclose all of the elements of Applicant's independent claims. Applicant has amended independent claims 1, 19, 37 and 55 to clarify that the claimed invention includes the step of downloading one or more realization detectors which are used in conjunction with the computer object on the target system to evaluate systems prior to patch installation. As set forth below, Bartoletti fails to disclose this limitation.

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Figure 2 and the description concerning Figure 2 which may be found at pages 6 and 7 of Applicant's specification discuss the use of the realization detector which is downloaded to the target system. The realization detectors are used to identify a specific state of the host system such as the presence of one or more hardware and/or software resources (see page 6, lines 7-10). The realization detectors include a detector program that executes on the host and analyzes information in the host object to determine whether the state associated with the realizations exists on the host (page 6, lines 21-24). The detector program (in the realization detector) reads the configuration information in the host object and based thereon writes any number or no realizations associated with the realization detector to the host object. The host object in turn includes a host realization list indicating realization states detected on the host (page 7, lines 2-6). The sequence of steps is further illustrated as set forth in the flow chart of Figure 5. The detected realization states are then utilized as discussed in Figure 7A to install patches to the target system.

In contrast to Applicant's claimed invention, the Bartoletti reference cited by the Examiner does not include the downloading of a realization detector to the target system. Bartoletti uses an agent on the target system which gathers information regarding the target system at the servers request and reports it back to the server where the analysis takes place. The Examiner's attention is directed to page 6 of Bartoletti where it states:

The SSDS Agent software will reside on each target in order to respond to the SSDS Server's commands and requests. An SSDS Agent will be simple to install, easy to maintain and use very few of the target's resources. This is why the majority of the work will be done by the centralized SSDS Server.[emphasis added]

Bartoletti is directed towards a centralized service where the SSDS server checks the list of files and directories manipulated by the patch specifications against the information gathered by the SSDS agent on the target system in order to reach a decision regarding patch installation (see page 6 first full paragraph of Bartoletti).

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Bartoletti also fails to disclose the step of writing the state information to the computer object after the state has been detected by the realization detector. As noted above, state information is gathered by the SSDS agent in Bartoletti and reported back to the server.

Accordingly, since Bartoletti fails to disclose all of the elements of Applicant's independent claims ( and therefore also fails to disclose all of the elements of the claims which are dependent thereon), Applicant requests the withdrawal of the rejections directed to claims 1-58 and their allowance.

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Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-117 from which the undersigned is authorized to draw.

Dated: August 10, 2004

Respectfully submitted,

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